

ENROLLED ACT NO. 57, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2022 BUDGET SESSION

AN ACT relating to abortion; limiting the circumstances under which an abortion may be performed; limiting the use of appropriated funds; providing a delayed effective date pending certification by the governor of actions of the United States supreme court; requiring reports; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 35-6-102 and 35-6-117 are amended to read:

35-6-102. Abortion restrictions; exception.

(a) An abortion shall not be performed after the embryo or fetus has reached viability except when necessary to preserve the woman from an imminent peril that substantially endangers her life or health, according to appropriate medical judgment. This subsection is repealed on the date that subsection (b) of this section becomes effective.

(b) An abortion shall not be performed except when necessary to preserve the woman from a serious risk of death or of substantial and irreversible physical impairment of a major bodily function, not including any psychological or emotional conditions, or the pregnancy is the result of incest as defined by W.S. 6-4-402 or sexual assault as defined by W.S. 6-2-301. This subsection shall be effective five (5) days after the date that the governor, on advice of the attorney general, certifies to the secretary of state that the supreme court of the United States has overruled Roe v. Wade, 410 U.S. 113 (1973) in a manner that would authorize the enforcement of this subsection or has otherwise issued a final decision related

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to abortion that would authorize the enforcement of this subsection in accordance with that decision and without violating any conditions, rights or restrictions recognized by the supreme court.

(c) For purposes of subsection (b) of this section the attorney general shall review any final decisions of the supreme court of the United States related to Roe v. Wade, 410 U.S. 113 (1973) or otherwise related to abortion to determine whether the enforcement of subsection (b) of this section would be fully authorized under that decision. The attorney general shall, within thirty (30) days of the date of the final decision of the supreme court, report the results of each review under this subsection to the joint judiciary interim committee and the governor who may, if applicable, certify the results of the review to the office of the secretary of state.

35-6-117. Use of appropriated funds for abortion prohibited; exceptions.

(a) No funds appropriated by the legislature of the state of Wyoming shall be used to pay for abortions except when the pregnancy is the result of incest as defined by W.S. 6-4-402 or sexual assault as defined by W.S. 6-2-301 if the assault is reported to a law enforcement agency within five (5) days after the assault or within five (5) days after the time the victim is capable of reporting the assault, or when the life of the mother would be endangered if the unborn child was carried to full term. This subsection is repealed on the date that subsection (b) of this section becomes effective.

(b) No funds appropriated by the legislature of the state of Wyoming shall be used to pay for abortions except

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when necessary to preserve the woman from a serious risk of death or of substantial and irreversible physical impairment of a major bodily function, not including any psychological or emotional conditions, or the pregnancy is the result of incest as defined by W.S. 6-4-402 or sexual assault as defined by W.S. 6-2-301. This subsection is effective on the same date that W.S. 35-6-102(b) is effective.

Section 2.

(a) After receiving certification from the governor that W.S. 35-6-102(b) is effective as provided in that subsection, the secretary of state shall report that fact to the management council of the legislature, the joint judiciary interim committee and the Wyoming state board of medicine and shall immediately publish the effective date of W.S. 35-6-102(b) and 35-6-117(b) on the website of the secretary of state's office, which effective date shall be five (5) days after the date that the secretary of state received the certification. The publication under this section shall also provide that W.S. 35-6-102(a) and 35-6-117(a) are repealed on that date.

(b) After receiving a report under subsection (a) of this section, the joint judiciary interim committee shall review the provisions of title 35, chapter 6 of the Wyoming statutes to determine if any additional revisions to the statutes are advisable and to develop any necessary legislation.

ORIGINAL HOUSE
BILL NO. HB0092

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Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk